

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES W. MOODY

v.

CITY OF PHILA, et al.

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CIVIL ACTION

No. 18-2413

**ORDER**

AND NOW, this 2nd day of October, 2018, pro se Plaintiff having filed a response to the Court's August 23, 2018, show cause Order, which the Court construes as an amended Complaint, it is ORDERED Defendants' motion to dismiss (Document 2) is DISMISSED as moot.<sup>1</sup>

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.

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<sup>1</sup> On May 1, 2018, pro se Plaintiff James W. Moody filed the above-captioned case in the Philadelphia Court of Common Pleas against Defendants City of Philadelphia, Philadelphia Police Department, Gun Permit Unit, Commissioner Richard Ross, Jr., Board of License & Inspection, and Bradford A. Richman, alleging numerous constitutional rights violations. On June 8, 2018, Defendants removed the case to this Court. Defendants subsequently filed a motion to dismiss asserting the three-paragraph Complaint should be dismissed for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Moody failed to file a reply or otherwise respond to Defendants' motion.

On August 23, 2018, the Court issued an Order directing Moody to respond to Defendants' motion by September 13, 2018, and show cause as to why dismissal is not warranted. On September 13, 2018, Moody responded to the Court's Order in the form of a response to the Court's August 23, 2018, Order, which included a brief statement. In his response, Moody explained he had failed to respond to the Defendants' motion because he lacks access to the Court's electronic filing system and the copy Defendants mailed to him was mixed in with his "junk mail." Pl.'s Resp. to Ct. Order 1. He further included additional factual allegation against Defendants, which the Court construes as a proposed amended complaint. In light of Moody's timely response to the Court's Order and pro se status, the Court will allow Moody to amend his Complaint, *see* Fed. R. Civ. P. 15(a)(2), and dismisses Defendants' motion to dismiss as moot.